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VICKI CAPRIO and DUANE A. BARBAROTTO  
as decedent Nicholas Barbarotto's Successors in Interest

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT COURT OF CALIFORNIA**

NICHOLAS J.BARBAROTTO,individually  
and as Trustee of the NICHOLAS  
J.BARBAROTTO Revocable Living Trust  
Agreement dated November 2, 2005,

Plaintiffs,

vs.

HARTFORD LIFE INSURANCE  
COMPANYa corporation doing business as  
THE HARTFORD and HARTFORD LIFE  
AND ACCIDENT INSURANCE COMPANY  
and Does 1 through 20, inclusive,

Defendants.

Case No.: C06-1278

**[PROPOSED] ORDER GRANTING  
RELIEF FROM JUDGMENT**

**Civ. P. 60 (b)**

Judge: Claudia Wilken  
Date: June 5 , 2008  
Time: 2:00 p.m.  
Ctrm: 2, 4<sup>th</sup> Floor

On June 5, 2008, Vicky Caprio and Duane Barbarotto as Plaintiff Nicholas Barbarotto's successors in interest moved this court to set aside the judgment that it entered on October 19, 2006. The Court has considered the papers filed, the arguments of counsel, and the authorities cited in favor of and in opposition to the motion. Being so informed, the Court is of opinion that the motion should

be granted on the grounds that the action and judgment were void as the Plaintiff died before the action was filed. Therefore,

IT IS ORDERED THAT:

1. The judgment of this court entered on October 19, 2006 is set aside in its entirety and is of no further force or effect.

Dated:

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UNITED STATES DISTRICT JUDGE